UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1999/205
25 February 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 24 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a copy of the document entitled "White paper on massive violations of human rights and of the basic rules of international humanitarian law by the aggressor countries (Uganda, Rwanda and Burundi) in the eastern part of the Democratic Republic of the Congo", which covers the period from 2 August to 5 November 1998 (see annex).

My Government urges the Security Council to take note of these blatant violations of human rights perpetrated by the aggressors against the Congolese nation and to assume its responsibilities in full.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) André Mwamba KAPANGA
Ambassador
Permanent Representative

99-05268 (E) 050399 080399

/...

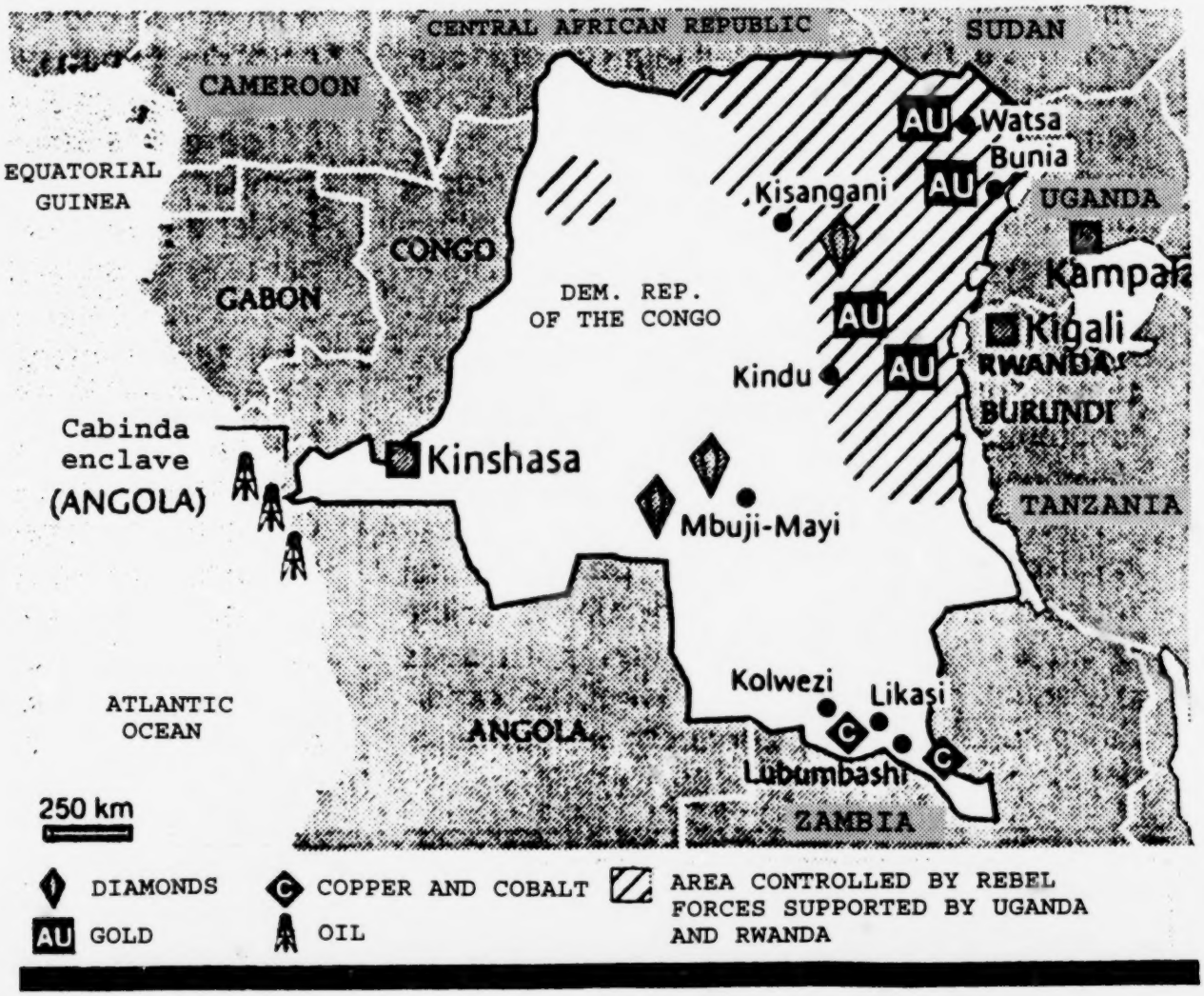
Annex

WHITE PAPER ON MASSIVE VIOLATIONS OF HUMAN RIGHTS AND OF THE BASIC RULES OF INTERNATIONAL HUMANITARIAN LAW BY THE AGGRESSOR COUNTRIES (UGANDA, RWANDA AND BURUNDI) IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO

Covering the period from 2 August 1998 to 5 November 1998

Kinshasa, December 1998

Mining resources which have been under-exploited and extensively plundered



Source: Le Monde, 13 January 1999.

CONTENTS

		Page
Introduction		7
I.	Origin and development of the conflict	7
II.	International commitments undertaken by the Democratic Republic of the Congo and the aggressor countries	10
III.	Serious violations of international law	11
IV.	Massive violations of the basic rules of international humanitarian law	12
V.	Massive violations of human rights	13
VI.	The alleged genocide of the Tutsis	13
VII.	Introduction to the table summarizing serious violations of human rights in the eastern provinces	15
VIII.	Outlook for the future	16
Table summarizing the massive violations of human rights in the eastern part of the Democratic Republic of the Congo		24
Statement by the Council of the Apostolat des Laïcs Catholiques du Congo (CALCC) in response to the massacres in the Democratic Republic of the Congo, particularly in the eastern part of the country		46

ACKNOWLEDGEMENTS

On behalf of the Ministry of Human Rights, I extend my sincere thanks to the national human rights organizations and eminent Congolese civilians who, at the risk of their lives, have provided the Ministry with information on serious violations of human rights and international humanitarian law in the eastern provinces, thereby contributing to the preparation of this white paper.

Their patriotism constitutes ample proof that the Congolese people will never retreat before the aggressors.

I hope that this acknowledgement will adequately express our gratitude.

Léonard SHE OKITUNDU
Minister for Human Rights

INTRODUCTION

1. At the end of December 1998, the Democratic Republic of the Congo, through its Ministry of Human Rights, submitted for the consideration of the national and international public this white paper on massive violations of human rights and the fundamental rules of international humanitarian law by the aggressors in the eastern provinces between 2 August and 5 November 1998.

2. On 10 December 1998, the international community celebrated the fiftieth anniversary of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948 at the end of the Second World War.

3. Like many other peoples of the world, the Congolese people aspires to peace, development, international cooperation and the peaceful coexistence of nations. These ideals are embodied in the Charter of the United Nations and are considered to govern relations between all peoples of the United Nations.

4. The Charter of the United Nations[1] and the International Bill of Human Rights[2] recognize the right of peoples to self-determination and to freely dispose of their natural wealth and resources. This fundamental right, which lies at the very heart of human rights, has not been fully exercised by the Congolese people since the beginning of the war of aggression waged against it by Rwanda, Uganda and Burundi.

5. This aggression, perpetrated by three members of the United Nations and of the Organization of African Unity (OAU) against another member thereof, constitutes a serious threat to peace and security in the Central African region in general and the Great Lakes region in particular.

6. The Democratic Republic of the Congo considers that the violation of its sovereignty and territorial integrity and the serious violations of the fundamental rights of the Congolese people and of the basic rules of international humanitarian law by aggressor countries in the conflict zones should be addressed by the international community through the United Nations Security Council since, under the Charter, the Council has the primary responsibility for maintaining international peace and security.[3]

7. The following topics are covered in this white paper: the origin and development of the conflict (I); international commitments made by the Democratic Republic of the Congo and the aggressor countries (II); violations of general international law by the aggressors (III); massive violations of the basic rules of international humanitarian law (IV); massive violations of human rights (V); the alleged genocide of the Tutsi (VI); introduction to the table summarizing violations of human rights in the eastern provinces (VII); and outlook for the future (VIII).

I. ORIGIN AND DEVELOPMENT OF THE CONFLICT

8. The massive influx of Rwandan Hutu refugees into the eastern provinces of the Congo in 1994, following the assumption of power by the Tutsi in Kigali,

further exacerbated the security problem along the border between the Democratic Republic of the Congo and Rwanda. The actions of the Ugandan rebels (the Lord's Resistance Army) along the Congolese-Ugandan border is also a source of instability on the Great Lakes region.

9. During the war of liberation (1996-1997), which was intended to put an end to the Mobutu dictatorship by restoring to the Congolese people its long-affronted dignity and establishing a State governed by the rule of law and respectful of human rights and fundamental freedoms, the Alliance des Forces Démocratiques pour la Libération du Congo (ADFL) had accepted military and logistical assistance from several friendly countries, including Rwanda and Uganda.

10. Those two countries would benefit from providing that assistance since an incidental consequence of the war of liberation was the elimination of tension along their borders which posed a threat to their security and, in particular, the neutralization of members of the former Rwandan armed forces (FAR), Hutu rebels (Interahamwe) and Lord's Resistance Army soldiers.

11. In July 1998, in the wake of a plot hatched by the Ugandan-Rwandan coalition to assassinate Laurent-Désiré Kabila, President of the Democratic Republic of the Congo, and overthrow the Government of National Salvation, His Excellency M'zee Laurent-Désiré Kabila, Supreme Commander of the Congolese Armed Forces (FAC), took a sovereign decision to end the foreign military presence in FAC. This measure affected the Rwandan and Ugandan soldiers. On 29 July 1998, the Head of State addressed the military in a speech during which he explained the justification for his decision at length. On that occasion he called for new cooperation between the Democratic Republic of the Congo and Rwanda and outlined his plan to reform the army in order to make it more professional and more republican.

12. For the Ugandan-Rwandan coalition and its allies, this sovereign decision by the Congolese Government was the spark that ignited the armed conflict against the Democratic Republic of the Congo. Uganda and Rwanda subsequently justified the presence of their troops in Congolese territory under the pretext of "guaranteeing their security" along their borders with the Democratic Republic of the Congo.

13. On 2 and 3 August 1998, columns composed of several Rwandan army trucks, loaded with heavily armed soldiers, violated the eastern borders of the Congo and occupied the cities of Goma and Bukavu.

14. While these events were occurring in the east of the country, some thousand Rwandan and Ugandan soldiers who had left the repatriation operation, supported by the members of so-called Banyamulenge, attacked the Tshatshi and Kokolo army camps in Kinshasa.

15. During the same night, Sunday, 2 August/Monday, 3 August 1998, another group of Rwandan soldiers who were awaiting repatriation to Kigali opened fire on the city garrison.

16. On Tuesday 4 August 1998, three Boeing aircraft belonging to Congolese companies (Congo Airlines, Lignes Aériennes Congolaises and Blue Airlines) were hijacked on leaving Goma, Nord-Kivu, and forced to land at the Kitona, Bas-Congo, military base, carrying 600-800 Rwandan soldiers. Mr. James Kabarehe, a Rwandan citizen who until July 1998 had served as the acting FAC Chief of Staff, was the primary instigator of this operation, which had several purposes:

1. To rally Congolese soldiers training in Kitona;

2. To paralyse Kinshasa by taking control of the Banana, Boma and Matadi seaports. The south-west river passage is vital to the capital's supply of staple goods and petroleum products;

3. To take control of the Inga hydroelectric dam, which supplies electricity to Bas-Congo Province, the city of Kinshasa and the Katanga mines as well as to several other Central and East African countries;

4. To take Kinshasa from Bas-Congo Province in order to overthrow the Government of National Salvation and assassinate President Laurent-Désiré Kabila with a view to setting up a Tutsi or Tutsi-controlled regime.

17. On Sunday, 9 August 1998, two columns of Ugandan soldiers violated the territorial integrity of the Democratic Republic of the Congo. The first column was composed of three tanks and seven K.V. trucks, the second of seven armoured cars. These Ugandan troops, located between Kamango and Watsa, were headed towards Bunia in Orientale Province.

18. Also on 9 August 1998, at 11 a.m. (0900 hours Greenwich Mean Time), a Ugandan Army jumbo jet landed at Nebbi, a Ugandan district close to Karobo and about 20 km from Mahagi, in Congolese territory. This aircraft delivered a large quantity of weapons and ammunition, which were distributed to the Fahidi, Huruti, Mbo and Mee garrisons in order to provide support to the Ugandan-Rwandan coalition in the Congo.

19. This was the beginning of the war of aggression against the Democratic Republic of the Congo. The conflict has since taken on significant and alarming dimensions as the areas of conflict have expanded to include six provinces (Nord-Kivu, Sud-Kivu, Maniema, Orientale, Katanga and Équateur). In addition, the aggressors seriously violate the fundamental rights of the Congolese and the basic rules of international humanitarian law. They also engage in looting, plundering items such as property, soil and subsoil resources and animal resources, particularly protected species such as elephants, okapi, gorillas and white rhinoceros.

20. There are no witnesses to their dirty work. International humanitarian organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and Doctors Without Borders have been driven out of the conflict zones by being forced to pass through Kigali for systematic searching

by a military escort, which prevents them from obtaining any information on the massacres and looting. This does not, however, take into account the nationalism of the Congolese, of which this white paper constitutes tangible proof. Whatever the price, the Congolese people will not give way to the aggressors.

II. INTERNATIONAL COMMITMENTS UNDERTAKEN BY THE DEMOCRATIC REPUBLIC OF THE CONGO AND THE AGGRESSOR COUNTRIES

21. The Democratic Republic of the Congo, Burundi, Uganda and Rwanda are all States Members of the United Nations and of OAU. They are obliged to honour their commitments under the Charter of the United Nations and that of OAU: non-use of force, peaceful settlement of disputes, respect for the sovereignty and territorial integrity of States, non-interference in the internal affairs of States and respect for the borders inherited from the colonial period.

22. The Democratic Republic of the Congo is a party to the four Geneva Conventions of 12 August 1949[4] and to Additional Protocol I thereto of 8 June 1977 on the protection of victims of international armed conflicts. Burundi, Uganda and Rwanda are parties to the four Geneva Conventions and to their Additional Protocols of 1977.[5]

23. The Democratic Republic of the Congo has subscribed to the spirit and the letter of the Universal Declaration of Human Rights of 10 December 1948. Burundi, the Democratic Republic of the Congo and Rwanda are parties to the two Covenants on civil and political rights and economic, social and cultural rights of 16 December 1966. Uganda is not a party to the International Covenant on Civil and Political Rights.[6]

24. Unlike other principles and rules of international law, those relating to international humanitarian law and international human rights law must be respected by the belligerent parties without the requirement of reciprocity.

25. In this time of war, the fundamental principles and rules of international humanitarian law are enforceable under treaty law or common law against both the Democratic Republic of the Congo and the aggressor countries. This applies to such cases as the distinction between combatants and non-combatants, the protection of vulnerable persons (children, women and older persons), the protection of property and the prohibition of weapons of mass destruction (chemical, biological or bacteriological weapons).

26. Keenly aware of their international commitments in the humanitarian field, the competent military authorities, chief among them President Laurent-Désiré Kabila, regularly instruct troops in the field on the rules governing the conduct of hostilities.

27. On instructions from the Head of State, the Minister of Justice and the Minister of Human Rights adopted a joint note on 28 September 1998 informing the International Committee of the Red Cross (ICRC) of the conditions of access to combatants, other captured persons and prisoners of war. ICRC has already begun its work, following its criteria for visits and interviews (especially

interviews conducted in private). There is a desire for transparency on our part.

28. In view of the urgency and the necessity involved, the Government of National Salvation established an Interdepartmental Commission on Humanitarian Issues on 12 August 1998. The Commission has carried out several activities in such areas as the protection of vulnerable persons, facilitation of travel abroad and day-to-day oversight of various humanitarian issues.

29. Without requiring reciprocity of any kind, ICRC has been called upon several times to act in its capacity as a Protecting Power on behalf of our compatriots who are suffering as a result of the war of aggression in the eastern provinces.

30. Despite our firm resolve to respect our country's international commitments under the provisions of its Constitution which stipulate the supremacy of international treaties over all other legislation,[7] we cannot fail to respond to the violations of international humanitarian law to which our compatriots are being cravenly and savagely subjected in the areas occupied by the aggressors.

31. Thus, while the Democratic Republic of the Congo does not make fulfilment of its international obligations contingent upon the requirement of reciprocity in respect of Uganda, Rwanda and Burundi, three aggressor countries which, like the Democratic Republic of the Congo, are parties to the conventions relating to international humanitarian law, it is obliged to compel the United Nations Security Council, regional organizations such as the European Union and OAU, and all countries or non-governmental organizations to exert pressure on these countries to meet their commitments. If this is not done, we cannot sufficiently emphasize that the Congolese people will ultimately have serious doubts as to the effectiveness, and even the efficiency and raison d'être, of international law and may fall back on the principle of reciprocity as a precondition for respecting international norms.

III. SERIOUS VIOLATIONS OF INTERNATIONAL LAW

32. It is clear that the aggression against the Democratic Republic of the Congo is the work of the Rwandan-Ugandan-Burundian coalition. The attempts by some to pass it off as a "Banyamulenge insurrection" or a "rebellion by Congolese" against the Government of National Salvation are nothing but a crude facade to mask the destabilizing undertaking of the aggressors, whose irredentist and hegemonic designs on the territory of the Democratic Republic of the Congo are beyond question.

33. The violations perpetrated by the aggressor countries are manifest in the eyes of international law and include acts of aggression; violation of the sovereignty and territorial integrity of a State Member of the United Nations and of OAU; violations of the basic rules and principles of international humanitarian law; and massive violations of the fundamental rights of the Congolese.

34. The aggression against the Democratic Republic of the Congo makes a mockery of the fundamental principles governing relations between States as set forth in the Charter of the United Nations and the Charter of OAU.

35. The incursion by Rwandan, Ugandan and Burundian troops into Congolese territory constitutes an act of aggression as defined in article 1 of General Assembly resolution 3314 (XXIX) of 14 December 1974, entitled "Definition of Aggression", and in the jurisprudence of the International Court of Justice.[8] Article 1 of this resolution states that "aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations ...".

36. This act consists of several elements, the most important of which are: the use of force, in flagrant violation of the Charter of the United Nations; the violation of the sovereignty and territorial integrity of a State Member of the United Nations; the violation of the principle of the inviolability of the borders inherited from colonization; looting and destruction; and the despoilment of the national wealth.

37. The act of aggression is inconsistent with the policy of living together as good neighbours advocated in the Charter of the United Nations.[9] The Congolese Government wishes to remind the international community that the policy of neighbourliness is one of the guiding principles of its foreign policy.

38. By launching a military attack against the Democratic Republic of the Congo, the aggressor countries have violated the principles of refrainment from the use of force in international relations, the peaceful settlement of disputes and the requirement to develop friendly relations.[10]

39. The violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo by Rwanda, Uganda and Burundi contravenes the provisions of Article 2, paragraph 4, of the Charter of the United Nations.

IV. MASSIVE VIOLATIONS OF THE BASIC RULES OF INTERNATIONAL HUMANITARIAN LAW

40. Every day the aggressor countries are committing systematic violations of the basic rules and principles of international humanitarian law, despite the fact that they are parties to the Geneva Conventions of 12 August 1949 and to their Additional Protocols of 8 June 1977.

41. The following violations are cited by way of illustration: the failure to distinguish combatants from non-combatants; the deportation of Congolese civilians; the seizure of civilian property; the failure to protect vulnerable persons (children, women and the elderly); deliberate efforts to starve the civilian population; the systematic spreading of sexually transmitted diseases aimed at decimating the Congolese population.

42. Since the outbreak of the war of aggression, several Congolese citizens have been deported to Rwanda and Uganda. Some of them have been killed and subsequently burnt on the spot. There have been countless massacres of members of the civilian population.

43. These appalling crimes are perpetrated far from the scrutiny of international organizations and the international press. The Congolese people would have wished for greater condemnation, greater indignation and greater compassion on the part of the international community in the face of the aggressors' barbarity. Alas! The Democratic Republic of the Congo continues to be unpopular in certain circles.

44. The seizure on 17 August 1998 of the Inga hydroelectric dam, which lasted for several weeks, by the Ugandan-Rwandan coalition contravenes the provisions of article 56 of Additional Protocol I.[11] This appalling and barbaric act, comparable to an act of international terrorism, disrupted the lives of millions of people and the economic fabric of the Democratic Republic of the Congo. Moreover, it resulted in the death of many sick persons and newborn infants.

45. Museveni and Kagame are committing acts which are beyond all understanding in pursuit of their strategy of exterminating the Congolese civilian population in the occupied areas. For example, 2,000 Ugandan soldiers suffering from acquired immunodeficiency syndrome (AIDS) or infected with the human immunodeficiency virus (HIV) were sent to the front in Orientale Province, their mission to rape women and girls with the aim of spreading the disease. Need it be recalled that Uganda and Rwanda have the sorry distinction of having Africa's largest number of AIDS sufferers and HIV-infected persons. Similarly, in Kalemie, the male population aged 10 years and over has been decimated by the aggressors.

V. MASSIVE VIOLATIONS OF HUMAN RIGHTS

46. The aggressors show scant respect for the International Bill of Human Rights, committing massive human rights violations in the conflict zones daily, including violations of the liberty and security of Congolese citizens; deprivation of liberty; torture and cruel, inhuman or degrading treatment; failure to respect the right of peoples to self-determination and to dispose freely of their natural wealth and resources; and violation of the right to health (disruption of primary and preventive health care, including paediatric care).[12]

VI. THE ALLEGED GENOCIDE OF THE TUTSIS

47. Since the outbreak of the war, the Democratic Republic of the Congo has emphasized that it would honour its international human rights commitments, particularly the International Bill of Human Rights, the four Geneva Conventions of 12 August 1949 on international humanitarian law and the African Charter on Human and People's Rights. Thus, in accordance with the principle of non-discrimination, it immediately announced that not all Rwandans or Ugandans were necessarily enemies. The same is true in the case of Tutsis.

48. The Democratic Republic of the Congo has always been and remains a land of welcome for foreigners who have made it their second home or who live there temporarily and who respect its institutions, laws and customs.

49. The Congolese people could not reasonably be accused, on the basis of their supposed intentions, of xenophobia or acts of genocide, which, as everyone knows full well, have found fertile ground elsewhere. The defence of one's homeland against aggressors and their accomplices cannot be equated with xenophobia and acts of genocide.

50. The Democratic Republic of the Congo is thus acting in self-defence, whatever the opinion of those seeking to undermine its democratization. It is fiercely protective of its multi-ethnic unity, to which the dynamics of the glorious history of the Congolese people bear witness. The Congolese have never been xenophobic, as the harmony which prevails within its many borders attests.

51. The Congolese people is all the more protective of this harmony since it bears the scars of divisions provoked by neocolonial forces in the very earliest years of independence. Moreover, it understands that the virus of ethnic division is the favourite weapon of all those who, like the colonialists, wage hegemonic wars aimed at enslaving the Congolese people.

52. Everyone, nationals and foreigners living in the Democratic Republic of the Congo alike, knows that no culture of genocide exists among the Congolese people. The traditions of the Congolese people are incompatible with a culture of blood and violence.

53. The Tutsi extremists are cleverly playing the victim in order to justify the abominable atrocities they are committing in the conflict zones and to gain the understanding, if not merely the support, of the international community. They excel at exploiting the Rwandan genocide, on which they trade, giving themselves carte blanche to commit every sort of criminal action purely on the grounds that they have been victims of genocide, and this is met by the international community with almost total passivity.

54. Any threat, of whatever kind, against a Tutsi is systematically characterized as genocide and serves as a pretext for perpetrating appalling crimes by way of retaliation. In so doing, the Tutsi extremists are cynically trivializing, even cheapening, genocide, which in some Western countries is currently a criminal offence.

55. Here we must denounce the manifestly fanciful nature of the criminal complaints lodged against the Congolese Head of State in Brussels and Paris.

56. The real war criminals against whom legal action should and indeed must be brought are Kagame, Bizimungu and Museveni on counts of war crimes, crimes against humanity and trivialization of genocide, as the synoptic table appended to this document makes clear.

57. The Democratic Republic of the Congo calls on all organizations campaigning against all forms of racism and discrimination, in particular the World Jewish Congress, to condemn this semantic obfuscation, which is an insult to the memory of the victims of still greater tragedies of this waning century.

58. The Government of National Salvation has protected vulnerable persons since the outbreak of the war and continues to do so. This includes the Tutsis, who are being housed in the Kokolo Camp in Kinshasa and in centres in Lubumbashi, Likasi and Kolwezi. Our concern for these people's security prevails over all other considerations. ICRC visits and assists them regularly. Steps are currently being taken to find a more suitable place for these people with a view to reconciling security needs with the need to improve their living conditions.

59. The Democratic Republic of the Congo seeks to afford the same protection to both nationals and resident foreigners. Any difference in treatment in this respect is therefore prohibited.

60. The isolated excesses reported during the aggressors' attempts to infiltrate the city of Kinshasa should be seen in their proper context. Faced with the threat of extermination following the seizure of the Inga dam and the cutting off of supplies, the inhabitants of Kinshasa defended themselves with the means at their disposal. They were acting in self-defence.

61. Out of concern that the right to life should be respected, several religious, political and military leaders made appeals to the population, saying what action should be taken. The Congolese Government deplores any accusation of "ethnic cleansing". The Congolese people is entitled to defend itself against aggressors, Tutsi or otherwise. As to the inhabitants of Kinshasa, they exercised their right of self-defence without hesitation and with clear consciences, seeing the invaders solely as such, with no thought for their nationality or ethnic origin. Humanitarian organizations such as ICRC, a body whose respectability is unquestioned, can confirm our constant concern for the protection of vulnerable persons.

VII. INTRODUCTION TO THE TABLE SUMMARIZING SERIOUS VIOLATIONS OF HUMAN RIGHTS IN THE EASTERN PROVINCES

62. The table appended to this document is only a snapshot, giving no more than an indication, albeit a revealing one, of the blatant, deliberate and massive violations of human rights and international humanitarian law by the Rwandan, Ugandan and Burundian aggressors in the eastern part of the Democratic Republic of the Congo. In accordance with the Latin adage "Nullum crimen sine lege, nulla poena sine lege", this white paper allows the reader to see the crimes that were committed while simultaneously observing what international provisions were violated.

63. These violations are so diverse that virtually all three generations of human rights and international humanitarian law are represented. Thus, following the massacres and summary executions of Congolese citizens, the aggressors are now daily subjecting the civilian population to rape, arrest, arbitrary detention, and cruel, inhuman and degrading treatment.

64. Against a background of violations of the relevant provisions of international humanitarian law, the economic, social and cultural rights of the Congolese are being violated by looting, extortion and destruction of installations and property essential for the survival of the population.

65. Other violations of human rights and international humanitarian law deserve to be highlighted. These include the wanton destruction and irrational and surreal use of the Kahozi-Biega and Virunga National Parks, which have resulted in the extermination of rare species such as okapi, white rhinoceros and mountain gorillas, together with the destabilization of their habitat.

66. The aggressors' attitude towards civil aircraft since the beginning of the aggression should also be noted. Indeed, at the very start of the conflict, aircraft belonging to a private company were unlawfully seized by the aggressors for the purpose of transporting troops and military equipment from Kigali and Goma to Kitona.

67. On 9 October 1998, a Boeing 727 owned by Congo Airlines, a private company, was shot down by the aggressors immediately after taking off from Kind Airport in Maniema. This aircraft was headed for Kinshasa, evacuating 37 women and children from an operational area. All the passengers, as well as three crew members, perished as a result of this action, which clearly violates international law. These facts are sufficient proof that the aggressors are flouting international civil aviation legislation.[13]

68. What should the attitude of the Democratic Republic of the Congo be in the face of these massive, blatant and varied violations?

VIII. OUTLOOK FOR THE FUTURE

69. At the outset, it should be noted once again that the fundamental violation of public international law by the aggressors continues to be non-respect for the sovereignty and territorial integrity of the Democratic Republic of the Congo.

70. By virtue of its inherent right of legitimate individual or collective self-defence, the Democratic Republic of the Congo is conducting appropriate military and diplomatic action to regain its sovereignty and territorial integrity, and to make its cause triumphant in the community of nations.

71. Under the command of the President of the Republic, M'Zee Laurent-Désiré Kabila, and with the unequivocal and wholehearted support of the Zimbabwean, Angolan, Namibian and Chadian allies, the Congolese people are continuing to resist and repulse the aggression.

72. The military support of Zimbabwe, Angola and Namibia falls within the framework of the collective security system envisaged by the States members of the Southern African Development Community (SADC). As to Chad, it is taking sovereign action in exercise of African solidarity to assist a fraternal country which has suffered aggression. Consequently, it is not possible to equate the aggressors with these States which aspire to peace and justice.

73. Since the beginning of the war, the Democratic Republic of the Congo has spared no effort at the diplomatic level to try to find an acceptable solution. This is the reason for its participation in various international meetings held in, inter alia, Durban, Victoria Falls, Mauritius, Libreville, Addis Ababa, Lusaka, Paris and Ouagadougou.

74. Similarly, the Democratic Republic of the Congo has constantly informed the United Nations, through the President of the Security Council and the Secretariat, of the grave situation prevailing in its territory. The appeals made by the Democratic Republic of the Congo to the Security Council have not yet produced the desired result. More than once, through irrelevant statements, the Council has spoken of reaffirmation of the sovereignty and territorial integrity of the Democratic Republic of the Congo and of the immediate cessation of hostilities and the withdrawal of all foreign forces from Congolese territory.

75. In indiscriminately calling for the withdrawal of all foreign forces, the Security Council is doing nothing to promote international peace and security. A distinction must be made between the forces of aggression and the allied forces which are in Congolese territory at the request of the legitimate Government. The criminals and the victims cannot be treated in the same way.

76. There is still time for the Security Council to take up the matter again and condemn the aggressor countries, taking the following three positions: strongly condemning the invasion of Congolese territory by the Rwandan, Ugandan and Burundian forces; demanding that the aggressor countries withdraw their troops immediately and unconditionally from Congolese territory; and demanding that Rwanda, Uganda and Burundi cease immediately their violations of human rights and the fundamental principles of international humanitarian law in the conflict zones.

77. The Organization's paralysis or guilty silence is liable to discredit it and its collective security system in the eyes of the Congolese people and other peoples who value peace and justice.

78. It need hardly be recalled that, like the League of Nations, the United Nations is based on the idea of collective security; each State undertakes to support all collective action directed against any State which, in the judgement of the majority, is guilty of aggression or of a threat to the peace.

79. Since there is no longer any doubt about the aggression perpetrated against the Democratic Republic of the Congo, in view of the facts and of the instruments regulating relations between States Members of the United Nations (indeed, the aggressor countries make no secret of it), we are entitled to expect the Security Council to condemn this aggression and take the measures which are required under Chapter VII. Initially these would be necessary measures not involving the use of armed force (for example, an arms embargo, economic sanctions and so forth); if required, appropriate coercive measures could be identified.

80. Outside the United Nations, the Democratic Republic of the Congo will very soon be undertaking diplomatic action of all kinds in various international bodies in order to have its cause prevail in the community of nations and to defend the fundamental rights of the Congolese. In collaboration with the Ministry of Foreign Affairs, we intend to approach the following bodies: the Movement of Non-Aligned Countries, the Organization of African Unity, the subregional African organizations (the Economic Community of West African States, the Economic Community of Central African States, the Arab Maghreb Union ...), the European organizations (the European Union, the Council of Europe, the Commonwealth of Independent States), the League of Arab States, the Organization of the Islamic Conference, the Organization of American States, the African, Caribbean and Pacific States (ACP), the Association of South-East Asian Nations (ASEAN) and so forth.

81. The Democratic Republic of the Congo also intends to report the acts of terrorism and air piracy committed by the aggressors to the International Civil Aviation Organization.

82. It will take advantage of the next session of the United Nations Commission on Human Rights to have the aggressor countries condemned for the various human rights violations against the Congolese.

83. It will also take action in international non-governmental organizations, including Amnesty International, the International Federation of Leagues of Human Rights, the International Committee of the Red Cross and Human Rights Watch/Africa.

84. Can the Democratic Republic of the Congo expect much from OAU? It should be recalled that at the summit meeting held in Cairo from 28 to 30 June 1993, the Heads of State and Government of OAU established a new mechanism for conflict prevention, management and resolution. Since OAU did not prevent the Congolese conflict, we expected it to assume its responsibilities by taking up the management and, when appropriate, resolution of the Congolese conflict. It has to be noted, however, that the summit meeting of the central organ of the OAU mechanism for conflict prevention, management and resolution, held at the level of Heads of State in Ouagadougou on 17 and 18 December 1998, was not able to condemn the aggression or propose the terms of a solution. By shifting the Congolese case to SADC, OAU abdicated its role.

85. OAU, as a Pan-African organization, must propose solutions to African conflicts and ensure their implementation, in collaboration with the United Nations where possible. Apart from mobilizing financial resources to initiate a peacekeeping operation, OAU has the duty to send a strong message to the aggressor countries: condemnation of aggression, demand for the withdrawal of the foreign aggressor troops, reaffirmation of the principle of the inviolability of the borders inherited from colonization, demand for respect for human rights as enshrined in the International Bill of Human Rights and the African Charter of Human and Peoples' Rights of 28 June 1981, and so forth.

86. In this respect, because of the blatant indecisiveness of OAU political bodies, the Democratic Republic of the Congo, through the Ministry of Human Rights, is preparing to pursue its case at the legal level by sending communications to the President of the African Commission on Human Rights, the Secretary-General of OAU, and the States which have flagrantly violated human rights in the Democratic Republic of the Congo (Uganda, Rwanda and Burundi) under article 49 of the African Charter on Human and Peoples' Rights, on the grounds of flagrant violations of the relevant provisions of this African instrument for the promotion and protection of human rights.

87. The conclusion of a ceasefire between the warring parties will have to be followed by the simultaneous withdrawal of the aggressor troops, under a binding timetable if necessary. The deployment of an observer force or a buffer force along the common international borders could be necessary in order to monitor the effectiveness of the withdrawal and guarantee peace and security between the parties to the conflict at the end of the war.

88. The Democratic Republic of the Congo intends, despite everything, to take the issue of the international responsibility of the aggressor States to the competent international legal forums, particularly the International Court of Justice at The Hague.

89. Indeed, in struggling for a just cause, the Democratic Republic of the Congo is determined to defend itself, not only at the military level (through the exercise of individual or collective self-defence) but also at the judicial level (through an application to the International Court of Justice) in order to secure the condemnation of the aggressors and just compensation for the damage suffered, including the damage described in this white paper. A national commission for damage assessment will be established for this purpose.

90. This paper will remind everyone of what is already clear: the massive and grave violations of human rights and of international humanitarian law in the eastern part of the Democratic Republic of the Congo by the Rwandan, Ugandan and Burundian aggressors.

91. It is hoped that this paper will help alert nationals and the international community to the fate suffered by the Democratic Republic of the Congo and will enable everyone to act without hypocrisy to promote justice and peace in the Democratic Republic of the Congo, in Africa and throughout the world.

92. At the end of the war of liberation, the Government of National Salvation is aware that establishment of the rule of law in the Democratic Republic of the Congo requires efforts by everyone: State bodies, civil society and religious organizations. The culture of democracy and human rights derives from a state of mind which must be tirelessly cultivated.

93. In the context of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights, we have established a partnership with State bodies and international and national human rights organizations in order to promote and protect human rights in the Democratic Republic of the Congo more effectively. An awareness-building campaign has been conducted with several sections of Congolese society (including the army, police, courts, territorial

bodies, associations and universities). We intend to pursue this course so that the Congolese people are firmly committed to a culture of human rights.

94. At the end of the special meeting of the Council of Ministers held on 2 January 1999, His Excellency M'Zee Laurent-Désiré Kabila signed decrees Nos. 171 and 172 on the establishment of a state of siege in the provinces of Équateur, Katanga, Maniema, Nord-Kivu, Orientale and Sud-Kivu.

95. The breakdown of State structures in the conflict zones, the massive violations of the human rights of the Congolese and the plundering of the national wealth in these zones require the adoption of appropriate measures to deal with the conflict situation.

96. In the event of war, the Government of National Salvation, under the supreme authority of the Head of State, has responsibility for maintaining the sovereignty and integrity of the Democratic Republic of the Congo, but also for protecting the human rights of the Congolese and of foreigners who live or temporarily reside in the national territory.

97. The establishment of a state of siege in part of the national territory was decided upon in view of the indifference, or even duplicity, of the international community (United Nations, OAU) in the face of the flagrant violations of the fundamental principles of the Charter of the United Nations and the Charter of OAU.

98. The state of siege makes it possible to ensure the survival of the State in the case of extreme danger. The decision to proclaim a state of siege is in conformity with our constitutional law and with our international commitments in the area of human rights, particularly article 29, paragraph 2, of the Universal Declaration of Human Rights, article 4 of the International Covenant on Civil and Political Rights, and the spirit and letter of the African Charter on Human and Peoples' Rights.

99. We know this is why the Romans applied the principle cedant arma toqae in times of peace, yet in times of peril this rule could become an exception to itself and change to cedant toqae arma, thereby enabling the military authorities to stem the evil and protect the population from the gangrene which so severely undermines and damages both its welfare and its tranquillity.

100. A state of siege involves the establishment of exceptional powers, mainly for the benefit of the military authorities. These powers have the purpose of restoring the sovereignty and territorial integrity of the State; they should be used only for that purpose.

101. The restrictive regime of public freedoms established by a state of siege should in no case depart from the inalienable core of human rights. This obligation derives from article 4 of the International Covenant on Civil and Political Rights of 16 December 1966, to which the Democratic Republic of the Congo is a party.

102. Intangible rights are rights that are inherent to the human person which must be respected at all times and in all places. No exceptional circumstance, of whatever kind, whether a state of war or threat of war, domestic political instability or any other exceptional situation may be invoked to justify infringement of these intangible rights: the right to life, the right to physical integrity, the right not to be subjected to torture or cruel, inhuman or degrading treatment, the right to a fair trial, the right to freedom of thought, conscience and religion, and so forth.

103. In conclusion, we wish to note that the three aggressor countries are resentful of the efforts which have been made by the Government of National Salvation, under the supreme authority of His Excellency M'Zee Laurent-Désiré Kabila, to establish the rule of law in the Democratic Republic of the Congo and to embark on national reconstruction.

104. In the management of the Great Lakes crisis, a curious fact should be noted: the absence of democracy in Uganda, Rwanda and Burundi since the accession to power of the current leaders, all of whom are Tutsi.

105. With regard to Uganda in particular, this undemocratic or anti-democratic situation has now lasted for about a dozen years.

106. Apart from the absence of democracy in Rwanda, the system of ethnic apartheid to which the majority Hutu population is subjected by the Tutsi minority must be denounced.

107. In Burundi, the democratic process has been put on hold with the assassination of the elected President Melchior Ndadaye, and power has been exclusively regained and controlled by the Tutsi minority.

108. As to the Democratic Republic of the Congo, despite the state of war, the Government of National Salvation has on many occasions reaffirmed its strong determination to continue the process of democratization. The Ministry of Human Rights, for its part, is engaged day by day in promoting and protecting the rights both of the Congolese and of foreigners who live or stay in the national territory.

Kinshasa, 29 December 1998

Léonard SHE OKITUNDU
Minister for Human Rights

Notes

[1] See article 1, paragraph 2.

[2] See common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 16 December 1966.

[3] See Article 24, paragraph 1, and Chapter VII of the Charter. See also Jean Combacau, Le pouvoir de sanction de l'ONU: Etude théorique de la coercition non militaire (Paris, Pedone, 1974), pp. 144-145, and René Degni-Segui, "Article 24: Fonctions et pouvoirs" in La Charte des Nations-Unies: Commentaire article par article, Jean-Pierre Cot and Alain Pellet, eds. (Paris, Economica, 1985), pp. 451-469.

[4] The four Geneva Conventions of 1949 deal with the amelioration of the condition of the wounded and sick in armed forces in the field (first Convention), the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea (second Convention), the treatment of prisoners of war (third Convention) and the protection of civilian persons in time of war (fourth Convention).

[5] The second Additional Protocol deals with the protection of victims of non-international armed conflicts. See Revue internationale de la Croix-Rouge, No. 829, 1 March 1998, pp. 192-195.

[6] See United Nations, Human Rights. International Instruments: Chart of ratification as at 30 June 1994 (New York and Geneva, 1994), pp. 2-10.

[7] The primacy of international over internal law is set out in article 27 of the Vienna Convention on the Law of Treaties of 23 May 1969, which stipulates that "a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty".

[8] See Military and paramilitary activities in and against Nicaragua (Nicaragua v United States of America), Judgement of 27 June 1986 (Merits): I.C.J. Reports 1986, p. 14.

[9] See the preamble of the Charter of the United Nations.

[10] See Article 1, paragraph 2, and Article 2, paragraph 4, of the Charter of the United Nations. See also General Assembly resolution 2625 (XXV) of 24 October 1979, entitled "Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations".

[11] Article 56 of Additional Protocol I states that "Works or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack ...".

[12] All these actions are in contravention of articles 1, 7, 9 and 10 of the International Covenant on Civil and Political Rights and articles 1 and 12 of the International Covenant on Economic, Social and Cultural Rights.

[13] This includes the Chicago Convention on International Civil Aviation of 7 December 1944, The Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970, and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971.

TABLE SUMMARIZING THE MASSIVE HUMAN RIGHTS VIOLATIONS COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO COVERING THE PERIOD FROM 2 AUGUST 1998 TO 5 NOVEMBER 1998

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
NORD-KIVU AND SUD-KIVU PROVINCES	
I. Massacres	
A. August 1998	
• At about 4 p.m. on Monday, 3 August 1993, 38 officers and approximately 100 soldiers of the Congolese Armed Forces were disarmed and then killed at the Kavumu airport. The names of Mutshapa (Commander of the 202nd battalion) and Commander Epelele have been associated with this act.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Article 13 of the Geneva Convention relative to the Treatment of Prisoners of War; Article 4(1) of Protocol I additional to the Geneva Conventions of 12 August 1949; Article 12 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.
• On Monday, 24 August 1998, more than 856 people were massacred at Kasika, in Lwindi chieftaincy and in the territory of Mwenga. The bodies, which were strewn over an area of 60 km from Kilungutwe to Kasika, were mainly of women and children. The women had been raped before being killed by their attackers, who had used knives to slit their bodies from the vagina to the abdomen.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Articles 51(2), 76 and 77 of Protocol I additional to the Geneva Conventions of 12 August 1949.
• 400 Maï-Maï were burnt to death at Luhuindja and 200 at Luindi.	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
The details of some of these cases are as follows: • In Kilungutwe, more than 127 persons were massacred and numerous bodies of children thrown into communal graves and local toilets. The following cases are typical of the killings that have taken place: - Ms. Nabonga, a 65-year-old widow, and her entire family of eight persons comprising Mr. Kibaza (35 years), Ms. Kamalebo wa Mukoke (40 years), Mr. Mwangila (28 years), Mr. Sandala (25 years), Ms. Lukenge (20 years), Ms. Mabongele (17 years), Mr. Lutumba (38 years) and Mr. Mulingano (37 years). In addition, a number of itinerant vendors, including Wabe, Balagizi and Mufungizi (not otherwise identified), were murdered in a cowardly manner on the same date.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; and Article 51 (2) of Protocol I additional to the Geneva Conventions of 12 August 1949.
• The killing at Kalama of 16 persons, members of the Mutewa family, which resided on Ave. Kasai in the town of Ibanda, in Bukavu. • At Kasika: - More than 633 persons were killed, including the Mwami [King] of Lwindi, Mr. François Mubeza, and his wife Yvette Nyange. 37 bodies were discovered in the royal compound alone.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; and Articles 51 and 53 of Protocol I additional to the Geneva Conventions of 12 August 1949.

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
- Victims in the Catholic parish of Kasika included an abbot, four nuns and several parishioners. In all, more than 116 people, including Abbot Stanislas Wabula Kombe, were killed there. - Six elderly women and four workers (one woman and three men) were shot to death in the home of the late Mupali Zotos (alias Mbilizi), a Greek national who had been living in Kasika for years.	
- More than 400 people (men, women, children, young and old) were killed in the forest adjoining the villages of Kasika, where the inhabitants had taken refuge and which is referred to by the Warega people as the Mangele or Tupiengenge. One specific example was that of 27 members of the family of attorney Kyalanga Liwa (attorney from Bukavu). Note: In criminology, one speaks of the "real" figure, in other words, the acts, crimes or atrocities committed but not reported. By this reckoning, the list of victims of the Kasika massacre is very long, since many other Shi (Bashi) itinerant vendors from Kahare and Walungu (two localities in Sud-Kivu) who go to Kamituga to sell their wares (a mining area in Mwenga territory (South Kivu), were killed by the aggressors on the road to Kilungutwe, between Kasika and Kalama.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Articles 51 and 53 of Protocol I additional to the Geneva Conventions of 12 August 1949; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• Massacre in the town of Bukavu On Tuesday, 4 August 1998, more than 50 bodies were buried, some 20 of them near to the fuel station at the Nyamwera market opposite the Ibanda mosque. The dead included 13 civilians and 4 young "Kadogo soldiers". The other bodies, more than half of them civilians, were found in the vicinity of Camp Saïo, in Bukavu.	Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; Articles 51 and 53 of Protocol I additional to the Geneva Conventions of 12 August 1949.
B. September-October 1998	
• Central Mwenga Following the clashes that took place in the Catholic parish of the town of Mwenga between the mainly Tutsi aggressor forces and the Maï-Maï nationalist forces, the aggressors proceeded to pillage and burn all the dwellings around. Some 43 bodies were found in the rubble of the houses, some burnt beyond recognition. For example: - 11 bodies were found in the royal compound of Mwenga, including that of Ms. Namahabu, the wife of the late Mwami Menga. - 15 bodies, including those of 3 children, were found in the rubble of the family homes of the former Regional Director of Sud-Kivu, Mr. Biaza Sanda Lutala. - Other massacres were reported in the area between Mwenga and Kamituga.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; Article 3 of Protocol I additional to the Geneva Conventions of 12 August 1949; Articles 32 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• <u>Massacres at Kitutu</u> On 2 September 1998, in an attempt to block the advance of regular army soldiers who were stationed at Kamituga, the aggressor forces arrived at Kitutu using a trail that begins in the Itombwe highlands and leads to Kitutu, where reports of the killing of 13 people were received, including the shooting to death of the elderly Mutendela (more than 70 years old) together with two of his sons and their wives.	Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilians in Time of War.
• At about 2 a.m. on 3 October 1998, in Monighi, Rwandan Tutsi soldiers killed 38 persons, including men, women and children.	Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; Articles 32 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; and Articles 76 and 77 of Protocol I additional to the Geneva Conventions of 12 August 1949.
• A criminal fire which destroyed more than 100 houses was set by the aggressors in the village of Rubaya, in the community of Mupfuni Matanda, on 22 September 1998. The perpetrators were aggressors who were stationed at the Bihambwe control post. All the homes were burnt and pillaged during the commission of this atrocity. Since that date, in neighbouring villages, peaceful citizens have been victims of various atrocities carried out by armed groups, the most notorious of which are:	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
- Operation "Kata Kichwa", or "chop off the head", in which the victim is beheaded with a machete; - Operation "Kata Singlet", or "chop outside the singlet", in which a person's two arms are chopped off before he is released;	Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.
- Operation "Kata bottes", or "chop off the legs", in which a person's two legs are chopped off at the knees before he is released;	Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- Operation "Kimya", or "silence by the point of the sword", in which a person's upper and lower lips are punctured and immediately padlocked and the key thrown away in a toilet hole; - On 5 October 1998, 48 civilians were killed in the mountain district of Kitundu, a village overlooking the town of Mulongwe; - On 6 October 1998, 48 civilians were killed in the village of Lubarika; - Other sources from Uvira have also reported several other massacres of local intellectuals and working persons, including the cases of: • 326 bodies found in the Rushima River not far from Luberizi; • 547 bodies buried in a mass grave in Bwegera; • 138 bodies discovered in a mass grave in the village of Luvungi.	Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; Article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
Note: Most of the victims were either Hutus living on the Ruzizi plain or various local authorities, including district and avenue chiefs. Following these massacres, several thousand survivors had taken refuge on the other side of the border, in Cibitoke, Burundi, according to the UNHCR Office in Burundi. To date, 7,000 such persons have been identified.	
• Fizi massacre During the night of 28/29 October 1998, 22 persons were executed in the village of Swima, the seat of Tanganyika Chieftaincy in the territory of Fizi. The Burundian occupying forces suspected these victims of being Maï-Maï combatants. As a result of this massacre, thousands of persons fled to Kigoma in Tanzania, leaving behind property, money, domesticated animals and other items.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
C. November 1998 On 3 November 1998, 12 bound corpses were discovered near the main public slaughterhouse of Bukavu, formerly Elakat, Mururu I/Bukavu. The aggressors were the perpetrators of this atrocity. In late October and early November 1998, Mr. Demondo, a boxer by profession, living in the town of Kadutu, was abducted and killed for refusing to join the gang of Rwandan and Ugandan aggressors.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; article 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• <u>Uvira massacre</u> According to information provided by grass-roots organizers working in the territory of Uvira, below are some instances of massacres and summary executions reported from the beginning of the invasion until 5 November 1998:	
• In the local district of Rubuga, 15 persons were abducted, reported missing and, two days later, discovered dead. Mr. Hahlere, the younger brother of Pastor Kwaja of the Lemera Pentecostal Church, was one of the victims.	Article 3 of the Universal Declaration of Human Rights; article 6(1) of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
• In the village of Rukobero, 17 persons were killed and later buried in a mass grave in the surrounding hills, in the suburb of Sange.	
• In the village of Lemera, four Pentecostal pastors were killed in a local missionary hospital. On 9 November 1998, at about 7 p.m., Mr. Damien Balingene, over 42 years of age, married and the father of six children, Pastor of the Kibumba Nazarene Church, was struck by a bullet in his chest. He was admitted to the Goma General Hospital on 10 November 1998. This act was committed by armed elements stationed in that area known as "the quarry".	Article 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of Additional Protocol I;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• At the same time and place described above, Mr. Philippe Barata, over 45 years of age, married and the father of eight children, catechism instructor in the Catholic Chapel at Kibumba, was slashed four times on the head with a machete and admitted to the Goma General Hospital. The targets of all the atrocities perpetrated in this village are Hutus accused of being Interahamwe.	
II. Rapes	
A. August 1998	
In August 1998, a number of abductions, arbitrary detentions and rapes took place in the town of Ibanda in Bukavu. On 29 August 1998, women in Kasika were raped and then murdered.	Article 3 of the Universal Declaration of Human Rights; Article 6(1) of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76(1) of Additional Protocol I;
B. September 1998	
According to reports in the past three months (August, September, October and early November), a number of girls and mothers were raped in Bukavu, particularly in the rural area of Sud-Kivu. The following cases will suffice to illustrate these sexual abuses:	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• On Tuesday, 22 September 1998, at 11 p.m., at No. 3 avenue Kasai in the town of Ibanda, Bukavu, Mr. Mutewa witnessed the rape of his wife and two daughters, Riziki, 16, and Malcozi, 14, in his own home by Tutsi soldiers who had come from Rwanda. • As from 1 September 1998, a curfew was imposed by the aggressors and a search operation of the Mai-Mai and soldiers loyal to M'Zee Laurent-Désiré Kabila was instituted; during these operations, 57 girls were arrested and raped by Rwandan soldiers in Bukavu. • On 25 September 1998, on avenue Mbaki, five more girls were raped, including Ms. Alice Mabanza, 22, and her younger sister Yvonne. In the immediate vicinity of the Hôtel Belle-vue, Annie Luko, Masika and Faida also became rape victims.	Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76 of Additional Protocol I;
C. <u>October 1998</u> On 5 October 1998, in the immediate vicinity of the Sato military camp, numerous cases of rape were reported, including that of Ms. Sylvie Mwendanga and Ms. Jeanne Rwankuba.	
• In the Bobozo sub-district of Lumumba, in the town of Bagira, a number of girls were raped by soldiers living in the Musique de Bagira camp at the instigation of a young Rwandan officer nicknamed "Terminator", who was commander of the camp at the time.	Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76(1) of Additional Protocol I;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• Ms. Uzamukanda (over 30 years of age) was raped by two guards on the day she was to be released from arbitrary detention. • Similar cases of girls being raped were reported in the territories of Mwenga, Walungu, Shabunda and Idjwi. Note: Most of these acts of rape were committed by soldiers in the Rwandan Patriotic Army currently operating in Sud-Kivu. It should be noted that this heinous and satanic crime was committed by 2,000 Ugandan and Rwandan soldiers who were either infected with AIDS or were HIV-positive and were deliberately dispatched to the eastern provinces with instructions to rape Congolese women in order to spread the disease. Some 75 per cent of the Ugandan army is infected with AIDS. Note: In many cases, the rapes were committed by Rwandan and Ugandan soldiers in Congolese territory. However, some victims were too proud to report such acts. Hence, this gloomy real figure is actually much larger.	Article 5 of the Universal Declaration of Human Rights; article 7 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 76(1) of Additional Protocol I;
III. Attempted abduction and murder of human rights activists In the first three months of the invasion in Sud-Kivu, various abductions and/or murders were attempted against a number of opinion-makers and the leaders of the Mouvement Associatif du Sud-Kivu.	Article 19 of the Universal Declaration of Human Rights; article 18 of the International Covenant on Civil and Political Rights;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
- On Thursday, 1 October 1998, in the Nyangi II district, Ms. Uzamakunda, over 30 years of age, an ethnic Hutu, mother of a young girl named Sifa (who had been killed), was abducted by soldiers who were not otherwise identified. - On 18 September 1998, at 11 p.m., Mr. Hakizimana Niragire, commonly known as Katembo, 30, was abducted by four Tutsi soldiers. He was accused of acting in collusion with the Interahamwe and the Maï-Maï. - During the night of 14 August 1998, Mr. Paul Sematari, 32, residing in the Majengo district, was abducted by aggressors who looked like Tutsi and taken to the Rugero prison in Rwanda. He was suspected of acting in collusion with the Interahamwe. - During the evening of 2 October 1998, on avenue Itebero in the Mabanga district of Goma, in the immediate vicinity of CAJED near Notre-Dame d'Afrique Parish, three persons, including Basabose Vianey, 36, an A2 male nurse at the Goma Mental Health Centre, were abducted by soldiers of the Rassemblement congolais pour la démocratie (RCD) who looked like Tutsi, on the pretext that they were holding secret meetings with a view to creating disturbances in the town of Goma. - 16,487 persons were deported to Rwanda.	Article 9 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Civil and Political Rights; article 34 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 34 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which prohibits hostage-taking; article 51 of Additional Protocol I to the Geneva Conventions of 12 August 1949;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
The names of some of the deported persons are:	
• Mr. Joseph Muyengo Kyalangilwa, President of the Société Civile du Sud-Kivu. Clandestine deportation.	Article 49 of the Geneva Declaration relative to the Protection of Civilian Persons in Time of War;
• C. T. Gervais Chirhalwtchwa Nkunzimwami, President of the Union des Germains du Sud-Kivu and Vice-President of the Société Civile du Sud-Kivu. Clandestine deportation.	
• Didace Kaningini Kyolto, representative of the economic associations within the Société Civile du Sud-Kivu.	
• Mr. Jolly Biaya Thizaza and Mr. Bruno Bahati Barha Liburu, representatives of the associations for the defence of human rights, education for democracy and peace within the Société Civile du Sud-Kivu. Clandestine deportation to the mountains in Sud-Kivu.	
• Ms. Déodale Chishibanji and Ms. Noëlla Mwavita Rugenge, representatives of Sud-Kivu women's organizations within the Société Civile du Sud-Kivu. Clandestine deportation.	Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.
• Mr. Didier Mwawati Bulambo, Secretary-General of the Collectif d'Action pour le Développement des Droits de l'Homme (CADDHOM)/Mwenga and Secretary-General of the Collectif des organisations et associations des jeunes du Sud-Kivu (OJESKI). Currently in exile.	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
IV. <u>Arrests, arbitrary detentions, inhuman and degrading treatment</u> In the first three months of the invasion of Sud-Kivu more than 178 persons were illegally detained in jail facilities in Sud-Kivu. They were arbitrarily arrested and detained for common crimes, in violation of judicial procedures, since the work of the Magistrature is paralysed for the time being. Among the cases were: • Mr. Bertin Ndusi Ruhambuzo, former Chief of the Cirunga Group in the territory of Kabare, was subjected to inhuman treatment on 5 September 1998. • Mr. Willy Mudengwe, a resident of the Ndendre District and an employee at Idéale Bakery in the town of Ibanda, was arrested, tortured and beaten up, then illegally detained on 20 August 1998, at the very time and place where he had an appointment with Ghislaine Dupont, a journalist from Radio France Internationale. He was detained for one month.	Article 9 of the Universal Declaration of Human Rights, article 9 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Additional Protocol I;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• In the commune of Bagira, Mr. Sombrero, a foreign exchange broker, and Mr. Aimé Ndayano Ndatayabe, a bar-tender, were arbitrarily arrested and then released two [omission] later after Mr. Severin Cherubala, chief of the Lumumba district, intervened. • Mwami Ntambuka, Town Chief of the Idjwi South Chieftaincy and Secretary and Rapporteur of the National Pacification Commission, was arbitrarily arrested and reported missing for a week. The aggressor forces accused him of having a mobile satellite device for communicating with Kinshasa. • During the first two weeks of September, Mr. Paul Kilolwa, a resident of No. 8 S/Tshikapa, district 3, in the town of Bagira, and a volunteer first aid worker in the Red Cross and Sud-Kivu, had been arbitrarily arrested and illegally detained for eight days for publicly expressing his opinion on a bus with regard to the current tyrannical administration in the eastern part of the Democratic Republic of the Congo.	Article 9 of the Universal Declaration of Human Rights, article 9 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Protocol I Additional to the Geneva Conventions of 12 August 1949;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• After Governor Magabe fled to Brussels via Bujumbura, his entourage, consisting of 5 persons, took refuge in Bujumbura and was housed at the EEB Guest House community centre opposite the Embassy of France on Avenue de France. A Banyamulenge commando left Sud-Kivu to kidnap them on 22 October 1998 and took them to an unknown destination in Sud-Kivu. The UNHCR representative in Bujumbura, who was in possession of the file, would have sufficient information on this case. • On 14 September 1998, the aggressors carried out arbitrary arrests of 30 customary chiefs and some members of civil society and transferred them to Rwanda. • In Bukavu and its environs, there were murders and massacres of civilians and cases of abductions, arbitrary arrest, illegal detention, rape, extortion and torture. • Appearance of clandestine prisons following the arrival of the Rwandan aggressors in Bukavu, particularly at the officers' mess of the Bukavu military prosecutor's office, Mobutu's residence, the current office of the Rassemblement Congolais pour la Démocratie (RCD) in Bukavu and the National Information Agency (ANR) office in Bukavu.	Article 9 of the Universal Declaration of Human Rights; article 9 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Additional Protocol I; article 9 of the International Covenant on Civil and Political Rights;
• Deportation of entire truckloads of civilians from Sud-Kivu to Rwanda, en route to Rwandan concentration camps.	Article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• Existence of crematoria in Rwanda to remove the traces of genocide, particularly in Bugesera.	Article 6, paragraph 3, of the International Covenant on Civil and Political Rights; article 130 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
V. <u>Systematic pillage of public and private institutions, expropriation of civilian property</u>	
- On 4 September 1998, the contents of all safes in the Bukavu branch of the Banque Centrale du Congo were looted. The booty was taken to Rwanda.	Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War,
- In Sominiki, the Rwandan invaders stole all the ore found in the plant. In Kabare, Rwandan members of RCD carried off various species of Congolese fauna, particularly okapi, animals unique to the Democratic Republic of the Congo, white gorillas, and so on.	Article 17 of the Universal Declaration of Human Rights;
- A systematic raid was organized by the aggressors on 8 August 1998; the following sites sustained the greatest losses: UNHCR-Uvira, World Food Programme (WFP)-Uvira, World Vision, UNICEF-Uvira (including food supplies earmarked for undernourished children admitted to the Uvira general hospital; the supplies were stolen and taken to Rwanda), ICRC-Uvira.	Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 55 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- Copies of the Walikale State examination (thirty-second regular session) were stolen and thrown into the street by the aggressors.	Article 13 of the International Covenant on Economic, Social and Cultural Rights;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
- On 8 November 1998, Mr. Seba Kungu Herachimire, a bean seller on the Goma-Masisi road, was visited by armed elements, namely: Alphonse Muhindo Kambale, Jean-Marie Munguiko, Musanganyi Hasiwa. They stole radios, television sets, clothing, shoes and money (150,000,000 New Zealand dollars).	Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- On 15 September 1998 at 7 p.m., the Mumba health centre in the territory of Masisi was looted by RCD aggressors. This centre is suspected of providing care to members of the Interahamwe militia. They took all the equipment: microscopes, medicines, and even beans and sorghum.	Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 18 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- The homes of two nurses, Rukundo Antoine and Mukeshimanan Mathilde, were raided by these same soldiers.	
- During October 1998, the soldiers decided to burn the houses that were adjacent to the Rubaya village market. Many vendors were victimized by this, including:	
- Frédéric Madowadowa - his house was burned, along with 40 sacks of beans;	Article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- Kayuma Idrissa - 21 sacks of potatoes;	
- Hakiza Bayaya - 21 drums of palm oil and his house. Other effects were transported to Goma in their vehicle, commonly referred to as Ndombolo.	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
Overall, among the tragedies of the war, mention can be made, <u>inter alia</u>, of the following:	
- The German firm specializing in quinine production and the Medical Projects Office of the Bukavu Archdiocese were completely ransacked;	Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of Additional Protocol I;
...	
- Systematic plunder of the population and looting of the work tools of United Nations bodies; the population was also systematically deprived of humanitarian or socio-economic assistance;	
- At the end of November, looting and massacres of 100 civilians took place in the Burale Parish. The Catholic church in Burale, the presbytery in Burale and the secondary school in Mangala were systematically plundered. It has also been reported that several Congolese were transferred from Bukavu and deported to concentration sites in Cyangungu.	Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of Additional Protocol I to the Geneva Conventions;
<u>Orientale Province</u> (Kisangani administrative centre)	
Human rights violations committed by the Rwandan-Ugandan invasion troops and their "rebel" allies in the large towns of Orientale Province[1]	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
A. Isiro Situated roughly 550 km from the town of Kisangani, Isiro is the capital of the Haut-Uélé district. The turmoil of war has been evident there since 5 August 1998.	Article 9 of the Universal Declaration of Human Rights; article 9 of the International Covenant on Civil and Political Rights; article 51 of Additional Protocol I;
1. Arbitrary arrests	
- Mr. Paka, with his 3 sons, spent over 25 years in Isiro, where he built a hotel known as the Hôtel Trésor.	
- Mr. Louis, a mixed-race person of Congolese extraction (arbitrarily arrested on 10 August 1998).	Article 9 of the International Covenant on Civil and Political Rights;
- On Friday, 28 August, some arrested persons were executed by soldiers of the Front Patriotique Rwandais (FPR).	
- In the same murderous frenzy, and on mere suspicion or accusation of communication with the enemy, 10 young men, itinerant palm-oil vendors, had their throats slashed on the Gombari-Mungbere road. Their bodies lie in a common grave that was dug 50 m from the main road.	
- On 20 September 1998, Ugandan troops, under the cover of the "rebels", entered Isiro after battles which caused 3 deaths, injuries and material damage:	Article 3 of the Universal Declaration of Human Rights; article 6 of the International Covenant on Civil and Political Rights; article 32 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 51 of Additional Protocol I;
• A tailor named Philippe, killed in his living room, where he was lying on the floor out of fear of stray bullets. He lived in the N'Sele district;	

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
• A mentally ill person in military gear, shot point-blank; • The driver of the Dominican convent, severely wounded; • A classroom in the ITCA-Isiro building, destroyed by a tank of the enemy forces; - Among the losses of rolling stock, the following are attributed to elements of the Ugandan Government forces: • A Land Rover 110 belonging to the office of the superintendent of the religious missions; • A Land Rover 110 belonging to the Clinique de l'Est; • A private motorcycle. In conclusion, the human rights violations committed in Isiro include ethnic discrimination, invasion and assaults against life, security and property. The perpetrators are Rwandan Government forces, Ugandan troops, Sudanese rebels and young delinquents. B. Isangi Isangi is a settlement situated 130 km upstream of Kisangani, on the left bank of the river.[2] - From 23 August to 9 October 1998, the aggressors banned traffic on the Congo river.	Article 5 of the Universal Declaration of Human Rights; article 13 of the International Covenant on Economic, Social and Cultural Rights; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; Article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; Article 54 of Additional Protocol I;

DESCRIPTION OF ACTS, CRIMES AND ATROCITIES COMMITTED IN THE EASTERN PART OF THE DEMOCRATIC REPUBLIC OF THE CONGO	LEGAL NORMS VIOLATED
- The cases of human rights violations recorded during the battles of Isangi cover the areas of property, security, and so on. These violations were committed by the Rwandan-Ugandan forces. The aggressors are accused of several acts of extortion and vandalism, the cause [omission] of the GAP warehouse, the lawless occupation of private homes and thefts of property.	Article 17 of the Universal Declaration of Human Rights; article 33 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War; article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;
- The same acts, attributed to the same aggressors, were recorded in Yangambi (100 km from Kisangani and 30 km from Isangi). In this administrative centre of the Tshopo district, the National Institute of Agronomic Studies and Research (INERA) paid a heavy price: the Director's residence, house and warehouses, were destroyed and several items of property were stolen.	Article 33 and article 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

[1] Orientale Province includes four rural districts: Haut-Uélé (capital: Isiro), Bas-Uélé (capital: Buta), Ituri (capital: Bunia), Tshopo (capital: Yangambi), situated 30 km from Isangi.

[2] From Kisangani to Isangi, the road goes through several major towns: Yakusu, Yanonge and Yangambi. The aggressors spent several days in Yanonge before launching an attack on Isangi.

STATEMENT BY THE COUNCIL OF THE APOSTOLAT DES LAÏCS CATHOLIQUES DU CONGO (CALCC) IN RESPONSE TO THE MASSACRES IN THE DEMOCRATIC REPUBLIC OF THE CONGO, PARTICULARLY IN THE EASTERN PART OF THE COUNTRY

"HALT THIS EXTERMINATION"

Since the war began, CALCC has rightly denounced the international community's silence and denial of rights in the Democratic Republic of the Congo. In its statement of 21 September 1998, it stigmatized the partisan attitude of the international press vis-à-vis the war being waged in the Democratic Republic of the Congo by its neighbours to the east. Now the MISNA agency has just reported the massacre of over 600 people at Makobola, near Uvira. Some foreign radio stations, though aware of the identity of those who control this part of the country, have simply said that they are "anti-Kabila soldiers" in order to sow confusion as to the identity of the perpetrators of barbaric acts which ought to appal anyone of good conscience.

And is this in fact the first time an atrocity has been committed, an exceptional occurrence falling outside the normal range of actions taken by Ugandan, Rwandan and Burundian troops in the territory of the Democratic Republic of the Congo? To the best of our knowledge it is not.

Certain of God's love for mankind and enlightened by their faith, the Catholic Christians of the Congo, speaking through their organization, CALCC, vigorously plead: halt this extermination and put an end to this devaluation of human life.

Ought not these acts to be viewed in the overall context of the objectives of the armies of these three countries? Does not the international press provide such a biased interpretation of events and incidents as to obscure the criminal responsibility of the troops of these three countries?

Can the 1994 genocide in Rwanda continue to be the stock excuse for the perpetration of belligerent and barbarous acts by Rwandan soldiers against groups that took no part in the violent destruction of the coexistence between ethnic groups in Rwanda?

Unfortunately, it seems clear that the pretext of border safety can in no way justify, whether on the grounds of common sense or grounds of international law, the current occupation of Congolese territory by Ugandan, Rwandan and Burundian troops, the support these troops are giving to the internal rebellion taking place in the Congo or, especially, the massacre of civilians there. Is not the intention of the eastern neighbours of the Democratic Republic of the Congo, which has long been known, the creation of a Republic of the Great Lakes that would include the three countries and that part of Congolese territory currently under occupation (see our message of 21 September 1998)? If this is not the case, what is one to make of the fact that deported and massacred Congolese are being replaced with thousands of Rwandans and Burundians who are being transported by whole columns of vehicles and settled in the Congo as the local population?

Rwanda and Burundi are overpopulated. Must Congolese be massacred to make Congolese territory a receptacle for the overflow of their populations? Is it acceptable that at the end of the twentieth century peaceful people who have no complaint against their neighbours should be the victims of such massive and systematic massacres by the regular armies of neighbouring States?

The international community, and the international press in particular, may find it inconceivable that disciplined armies can conduct massacres so massive and so vile. But such thinking fails to consider the absolutely inhuman nature of the barbarous acts regularly committed in Rwanda and Burundi during the now habitual conflicts between the two major ethnic groups in those countries: the pitiful mutilation of adults, the massacre of children beaten in mortars or thrown against walls, killings by machetes and hatchets, the slitting open of pregnant women's bellies after they have been raped and, in general throughout the occupied territory, the systematic rape of women and girls by soldiers infected with the AIDS virus.

All this reflects a perverse intention to exterminate the population with a view to minimizing all capacity for resistance to the occupation of their territory, or simply to wipe out the population entirely, thereby creating a void it would then be logical to occupy.

By way of example, here is some information regarding the odious massacres committed in Sud-Kivu, without going on to those committed in Nord-Kivu, Maniema, Orientale and Équateur provinces.

This table is a synthesis of the information provided by the Collectif des Organisations et Associations des Jeunes du Sud-Kivu (COJESKI) in a report entitled "An overview of massive human rights violations during the first three months of the aggression in Sud-Kivu, Democratic Republic of the Congo", issued at Bukavu on 20 November 1998 and signed by Alain Mazambi Walandja and Fernandez Murhola Muhigirwa.

DATE	LOCATION	No. OF DEAD/WOUNDED	PERPETRATORS
Monday, 3 August 1998, 3 a.m.-10 a.m.	Bukavu (town)	Shootings	Aggressor forces
Monday, 3 August 1998, 4 p.m.	Kavumu	38 Congolese officers and more than 10 Congolese soldiers were disarmed and subsequently massacred	Betrayed by Commander Tshapulu Palange of the 222nd Brigade, who was paid 15,000 US dollars
Tuesday, 4 August 1998	Kasika, Lwidi chieftaincy, territory of Mwenga Kilungutwe Kalama Kasika Central Mwenga	856 persons massacred, primarily women and children, following rape and disembowelment of pregnant women 127 persons killed 16 persons killed + 31 633 persons massacred Villages burned, 43 persons incinerated	Tutsi soldiers
Tuesday, 4 August 1998	Bukavu	More than 150 bodies buried near the Nyawera gas station. Several bodies at Muhungu and Saïo	Idem
20 August 1998	Fizi, in Kazimia	47 civilians	Rwandan and Ugandan rebels belonging to RCD
First half of August 1998	Bukavu	5 persons killed: Major Vangu and several others at Cimpunda, Karhale and Kadutu	Idem
Second half of August 1998	Bukavu	One young man (Claude) killed	Idem
2 September 1998	Kitutu	13 civilians shot	Aggressor forces

DATE	LOCATION	No. OF DEAD/WOUNDED	PERPETRATORS
5 October 1998	Kitindu, in the direction of Mulongwe Lubarika	20 civilians massacred 48 civilians massacred	 Idem
17 October 1998	Bukavu	Mr. Kashama, of the Rwandan Army, murdered	
October 1998	Nguba	Mr. Sali, manager of the Cibeke plantation, murdered	Tutsi soldiers
28/29 October 1998	Swima, seat of Tanganyika chieftaincy Bukavu Kamwenga Walungu Shabunda Iduwi Kadutu	22 persons executed Several refugees towards Kigoma/Tanzania Several mothers and daughters raped Several abductions and attempted abductions of human rights activists and several exiles	Burundian occupying forces On the order of a Rwandan officer nicknamed "Terminator". Rapes committed by soldiers of the Rwandan Patriotic Front
Late October-early November	Kadun Kamutu Crossroads Bagira Kabare	Mr. Denondo killed A Congolese soldier residing at Buholo IV 6 persons massacred At least 200 persons. Current reprisal zone and thus inaccessible, causing the death of children and elderly persons for lack of assistance. General disaster area.	RCD army A Rwandan officer Aggressor soldiers Aggressor soldiers

DATE	LOCATION	No. OF DEAD/WOUNDED	PERPETRATORS
3 November 1998	Bukavu slaughter-house	12 bodies tied up	Military aggressors
	Lemera	4 Pentecostal pastors	
	Sanga	2 merchants and 1 women	
5 November 1998	Kalundu	Several bodies found	
	Luberizi, in the Rushima River	326 bodies floating in the river	
	Bresera	547 bodies in a mass grave	Idem
	Luvungi	138 bodies in a mass grave	
	In the direction of Cibitoke, Burundi	Flight of several persons left defenceless by the Uvira massacres; UNHCR puts number of refugees at 7,000	
From start of the aggression through 5 November 1998	Uvira Rubaga Rukobero	15 persons 17 persons buried in a mass grave at Sange	Idem
Throughout the aggression		Systematic looting of public property and property belonging to international and private organizations, intimidation, hiding, exile and so forth	Idem

Must these horrors be labelled "genocidal" before they can constitute an affront to the human conscience? Does the fact that their perpetrators belong to the ethnic group that suffered in the 1994 genocide justify the international community's indulgence, negligence and even indifference? Is it necessary to recall that the Western countries granted no extenuating circumstances in the case of the perpetrators of genocide in the former Yugoslavia?

Radio Vatican did denounce the vile massacre at Kasika, in which the faithful and their ministers, praying at Mass, were all massacred in their place of worship after the wife of the village chief was publicly raped and disembowelled, being pregnant at the time.

This news item elicited no significant commentary from the international press, as though the lives of the Congolese victims were of no importance, if one followed the logic of the international community, which was determined to impose its views and choices on the Congolese people, even at the price of human slaughter. The awkward, muted radio coverage by major international broadcasters of these events, whose victims were simply defenceless civilians, totally undermines our confidence in the international community, the international press agencies and the current pattern of inter-State relations. Today it seems clear to us that in a world that has reverted to the law of the jungle, truth and hard facts count for little! Only the strongest, the best organized and the cleverest count! But what would happen and what would the international community think if the situation was reversed and those who now perpetrated such barbarous acts found themselves squeezed militarily? Would not the Democratic Republic of the Congo see the shields stripped away in order to protect "the victims of genocide"?

Genocide is an emotional term that generates indignation and revulsion, even though its victims no longer exist. Yet how many more innocent victims, how many penitents atoning for crimes they never committed, must there be? Finally, why don't the international community, the international press and the powerful nations, nations that call themselves "civilized", seek out objective news so that they can learn the truth?

We know there are certain powers that would like to see the Congo split up into little States under their control. But do the people of this country no longer have the right to die with dignity?

For our part, we strongly and outspokenly condemn these barbarous acts and their perpetrators who are supported by partisan Western Powers. We are also aware of all the hatred directed at the Congolese people because of envy of the country's "scandalous" wealth.

We would recall that human life is a gift from God and that no one in the world has the right to take it, for whatever purpose. Countries that can only see their designs accomplished through the taking of human life are contemptible.

They deserve no respect or consideration, those who, in the name of their political ambitions, do not hesitate to sacrifice the lives of the men and women over whom, ironically, they would wield their power.

We call upon the Congolese State to create all the conditions necessary for the protection and welfare of the citizens of this country on their ancestral soil, and to get involved with all legitimate mechanisms that may lead to a prompt conclusion of the war in the best interests of our country. For this war is no accident.

We would remind the civilian and military authorities that their duty is to protect all persons living on Congolese soil and their property. Any excesses or blunders can only undermine our country's dignity (apparent massacre of 300 persons at Libenge and Zongo, serious incidents at the Bethany Centre and the Apostolic Nunciature condemned by His Eminence the Cardinal-Archbishop of Kinshasa in his message of 14 January 1999).

We invite all sons and daughters of this country to close ranks and create a vast movement of international solidarity, to ensure their self-defence, to create out of their midst a State governed by law that can protect them and in which they are the sovereign authority participating, in freedom and democracy, in decisions that will shape its future and that of the world.

We demand that the Ugandan, Rwandan and Burundian occupation troops withdraw immediately from Congolese territory and halt the gratuitous and shaming massacres of defenceless civilians.

We demand that the authorities of the international community respect the laws that govern us, that they condemn these barbarous acts and their perpetrators, and that they take the appropriate steps to right these wrongs and restore our rights to us.

To our brothers and sisters in Christ in the Democratic Republic of the Congo we firmly reiterate our attachment to the faith of our baptism, and we invite each faithful person to see in these events which have shaken our society an intention to harm God's people in the Congo by shaking the very foundations of our convictions and our practices, particularly all the efforts to undermine the Catholic Church in our country through religious manipulation and agitation. Let us never overlook the political dimension of our lives and our duty to imbue our society with the fundamental values of our faith, namely respect for and service of the life that exists in each human being, given that we are created in the image of God and called to salvation by Christ our Saviour.

Done at Kinshasa on 15 January 1999

FOR THE COUNCIL APOSTOLAT DES LAÏCS CATHOLIQUES DU CONGO:

(Signed) André WAMESO
Secretary-General

(Signed) Marie Thérèse MULANGA
First Vice-President

(Signed) Pierre Anatole MATUSILA
National President

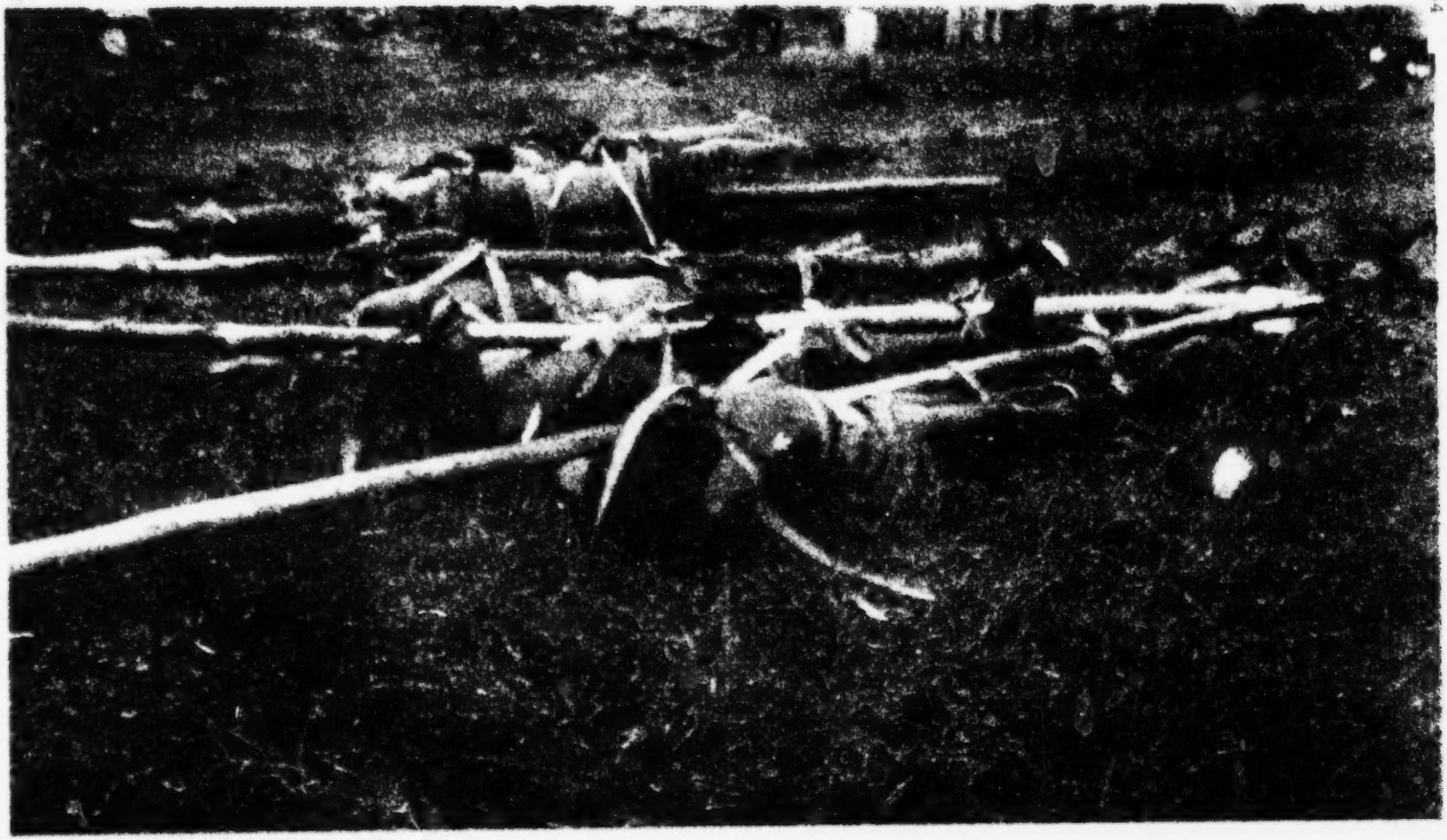
CLARIFICATION OF CERTAIN ASPECTS OF THE PRECEDING STATEMENT

The Congolese Armed Forces have denied the accusations made with regard to the massacre of civilians at Libenge and Zongo in Équateur Province. In any event, if these allegations proved true, the Government would draw the appropriate inferences in the light of our international commitments.

The Congolese Armed Forces, under the command of His Excellency M'zee Laurent-Désirée Kabila, regularly instruct combat troops in respect for the rules governing the conduct of hostilities, particularly the distinction between combatants and non-combatants.

The interrogation of persons sheltered at the Bethany Centre was part of a security check undertaken in time of war. There were no unfortunate consequences in so far as the physical safety of those interrogated is concerned, despite the disproportionate nature of the operation.

In reply to the protest by the Apostolic Nunciature, the Vice-Minister for Foreign Affairs has reminded the authorities concerned of the commitment undertaken by the Democratic Republic of the Congo to respect article 22 of the Vienna Convention on Diplomatic Relations of 18 April 1961, concerning the inviolability of diplomatic premises.



This is an example of the USA's Rwandan Tutsi Trained Army massacre (Masisi/Kivu region, October 1998). There are many massacres committed by these Tutsi troops in the "Banyamulenge" name. Kivu is the Congolese region that welcomed frightened Tutsi from Rwanda in the sixties. Today, Congolese living in Kivu region are paying the price of the hospitality towards neighbours under an absolute unacceptable silence of the international community.